



Missouri Department of Natural Resources

Water Quality Coordinating Committee Water Pollution Control Program

Minutes

October 21, 2003

WATER QUALITY COORDINATING COMMITTEE

USGS
Columbia Environmental Research Center
Conference Building
4200 New Haven Road
Columbia, Missouri

October 21, 2003

10:00 a.m.

MEETING AGENDA

USDA's Agricultural Research Service in Missouri, Dr. John Sadler, Agriculture Research Service

Stream Classification Criteria Workgroup, John Ford, WPCP

Isolated Wetlands and the SWANCC Decision, Scott Hamilton, WPCP

Other

EPA's Watershed Initiative Grant Announcement
2002 303(d) List Status
Status of 319 Funding

Agency Activities

Meetings & Conferences

MISSOURI WATER QUALITY COORDINATING COMMITTEE
MEETING MINUTES

October 21, 2003

USGS
Columbia Environmental Research Center
Conference Building
4200 New Haven Road
Columbia, Missouri

Attendees:

Cindy DiStefano	MO Dept. of Conservation	Jeannette Schafer	US EPA Region VII
Anne Peery	DNR/WPSCD/WPCP	Sharon Clifford	DNR/WPSCD/WPCP
Terry Timmons	DNR/WPSCD/PDWP	Angel Kruzen	Water Sentinel/Sierra Club
Donna Menown	DNR/WPSCD/WPCP	Bob Broz	UOE-Water Quality
Stacia Bax	DNR/WPSCD/WPCP	Paul Andre	MO Dept. of Agriculture
Joe Dom	DNR/WPSCD/WPCP	Robert Brundage	Newman, Comley & Ruth
John Ford	DNR/WPSCD/WPCP	Liz Grove	Clarence Cannon Wholesale Water Commission
Bob Hentges	MO Public Utility Alliance	Bob Ball	USDA-NRCS
Scott Hamilton	DNR/WPSCD/WPCP	Richard Gaskin	KCMO Water Services
Gail Wilson	DNR/WPSCD/WPCP	Bart Hawcroft	MO Dept. of Agriculture
Charlie Ducharme	DNR/GSRAD/WRP	D. Todd Farrand	UMC-FAPRI
Dorris Bender	Independence Water Pollution Control	Trent Stober	MEC Water Resources
Davin Athtoff	DNR/WPSCD/SWCP	Becky Shannon	DNR/WPSCD/WPCP
Gary Baclesse	DNR/WPSCD/SWCP	Darlene Schaben	DNR/WPSCD/WPCP
Ken Struemp	DNR/WPSCD/SWCP		

Introductions were made.

USDA's Agricultural Research Service in Missouri, Dr. John Sadler, Agricultural Research Service (ARS)

John said he is new to the ARS Unit in Columbia, but not new to ARS. He was born in El Dorado Springs, Missouri and received his Ph.D. in Texas. He worked for USDA in South Carolina and was on a detail for 10 weeks in Washington, D.C. He is now back in Missouri.

ARS has about 8,000 employees. There are 120 locations in the U.S. There are 3 units in the Columbia location. The headquarters is located in Washington, D.C. There are 8 Areas. Peoria, Illinois, is the Area location for the Midwest Area, which includes Missouri. John is the Research Leader of the Cropping System & Water Quality Research Unit (CSWQRU). This unit is one of the 5 original units. There are 3 research thrusts within CSWQRU – cropping systems, water quality and irrigation.

The water quality project, by Bob Lerch, is titled Development of Alternative Practices for Improved Watershed Management. There are 5 scientists working on this. This project has recently gone through the Office of Scientific Quality Review (OSQR). This group does legislatively mandated peer review of their research projects. They are now certified to do the project. The project has 3 objectives-- determine parameters and practices that reduce the environmental impact of agriculture at the watershed scale; evaluate alternative best management practices for herbicide, nutrient, and sediment contamination; and, validate and improve watershed models to better assess the impact of field- and watershed-scale management practices on surface water quality.

At the last WQCC meeting, Bob Lerch made mention of a new watershed research project ARS would be working on. This project is called Conservation Effectiveness Assessment Project (CEAP). NRCS is attempting to do an assessment of the effectiveness of conservation practices. NRCS is interested in any cropland using best management practices that has been funded under CRP or EQIP. There are 2 phases. National Research Inventory and watershed assessment study. Several other agencies will be participating. In the spring, an Request For Proposals (RFP) will be out for funding. EPA is in support of this project. This is the biggest project in the soil & water field that ARS has been involved in. There are 12 ARS watersheds participating, mostly in the east and central. The bigger watersheds are being looked at (8-digit, 10-digit, & larger HUCs). ARS nominated Mark Twain Reservoir because of historical information and because of possible paired watersheds. This is a major national commitment. Those 12 watershed units all have research projects. All but 2 are applicable to the CEAP objectives. Success would be determined by leverage of existing knowledge and infrastructure, involvement of interest groups and cooperators recruited.

Contact John Sadler at (573) 884-1971 or by email at sadlerj@missouri.edu; or, Robert Lerch at (573) 882-9489 or by email at lerchr@missouri.edu if you have any questions.

John is excited about the opportunity to work on this project. John thought that sample collection stations could be added, without much cost, to where the current USGS gaging stations are to fully quantify the hydrology of the watershed. The greater cost would be in mobilizing a work force to collect the samples. The timeline for this project is 5 years. The RFP should be out early 2004.

Becky suggested the group communicate with John if there are any on-going projects in the Mark Twain area that would dovetail with ARS's project.

Bob Ball mentioned that the Mark Twain Water Quality Initiative office in Macon is close to closing. If anyone knows of suggestions of what that office could be doing, let Bob know. A meeting is scheduled for November 14 to discuss NRCS's role with the ARS project.

Stream Classification Criteria Workgroup, John Ford, WPCP

Handout: "Guidelines for Determination of Waterbody Classification"

John heads the Monitoring and Assessment Unit of the program's Planning Section. John said the program has been tasked by the Clean Water Commission to develop specific guidelines for listing classified waters. Currently, definitions that are in the Water Quality Standards are being relied on. They are not clear. An internal workgroup was convened that consisted of program staff and aquatic biologists from ESP. The result is included in the handout. John asked the group to review and comment and share with others that may be interested.

John went over some of the criteria and pointed out some of the clarifications that the group suggested. These include definitions of classified waters, lake classifications, public vs. private lakes, determination of wetlands, definitions of drought and dry period, site selection for candidate streams, guidelines for Class P streams, and, the most difficult, determination of a Class C stream. The final determination of Class C status would be made by a multi-agency committee of aquatic biologists.

John requested comments back by November 7. This document was also forwarded to others via email. This information will be presented to the Clean Water Commission.

Isolated Wetlands and the SWANCC Decision, Scott Hamilton, WPCP

Scott has been working with DNR for seven years; three of those have been with WPCP. Scott's duties include writing 401 water quality certifications that are issued by the state. 404 is the federal equivalent issued by the Corps of Engineers (COE). SWANCC stands for Solid Waste Agency of Northern Cook County vs. COE. Scott gave the definitions of navigable waters, explained the Migratory Bird Rule, the ordinary high water mark (OHWM), isolated wetlands and waters of the state. The Migratory Bird Rule was used in a case involving isolated wetlands and became the focus of the SWANCC case. The SWANCC decision questions the Clean Water Act's authority over interstate non-navigable waters. The Advance Notice of Proposed Rulemaking (ANPRM) questions the Clean Water Act's rationale through jurisdiction over non-navigable waters. In the case of SWANCC vs. COE, SWANCC purchased a 553-acre site of a former gravel plant. During the years of abandonment, the area developed into an area that attracted over 120 different species of birds. The COE became interested when they recognized that migratory birds were using the site. The COE recognized the area as waters of the U.S. but not wetlands. The COE refused to issue a 404 permit because they believed the project was not the least environmentally damaging practical alternative for disposal of solid waste. The case ultimately ended up in Supreme Court. The Supreme Court held that the COE exceeded its authority in asserting the Clean Water Act's jurisdiction over isolated interstate non-navigable waters. This reversed the decision of the 7th Circuit Court of Appeals.

In the January 15, 2003, Federal Register, the government announced they wanted to develop regulations to clarify which waters are subject to Clean Water Act jurisdiction. Scott talked about the comments that the Missouri Department of Natural Resources submitted. Scott mentioned other recent court rulings regarding waters of the U.S.

Other

Watershed Initiative Grant – Becky said the 2nd call has been issued for the watershed initiative grant. This is federal funding through EPA. EPA must receive the nominations by January 15, 2004. Nominations are submitted by the Governor. Missouri's deadline will likely be late November. The selection process will be based on not only watershed-based projects but also those specific to decreasing hypoxia in the Gulf of Mexico and pollutant trading. The Federal Register notice is on EPA's web page.

Status of the 2002 303(d) List – Becky expects a response from EPA by the end of the year. The department is in the process of promulgating a rule for the methodology that is used to list waters on the 303(d) list. When that rule is effective, we will then proceed with the 2004 listing. The list also has to be promulgated by rule. Submittal of the 2004 303(d) list would probably be mid-2005.

Status of 319 Funding – The FY03 319 grant application has been submitted to EPA requesting to fund the nine projects approved by the Clean Water Commission and other WPCP needs. Becky will be discussing the plans for 319 at the October 22 Clean Water Commission meeting. The FY04 319 guidance has just been received and she will be discussing the RFP with the Commission and how to proceed.

Congressional action is looking to reduce 319 funds by \$42.5 million nationally, reasons being that they believe the Farm Bill funding should be covering nonpoint source needs and the concern of measures to document effect or impact of 319 funding. EPA is working with states on this issue.

A Bill is before Congress to allow states to use 319 money to fund storm water phase II projects. Last year, a Bill was passed to allow use of FY03 funds for these projects. They are trying to make it permanent.

Coalition for the Environment Lawsuit – A lawsuit was filed against EPA regarding the Water Quality Standards. Questions were asked about how the negotiations were going and is DNR involved and talking with EPA. Jeannette said the lawsuit follows the petition very closely. EPA staff have talked with DNR staff. Becky said the state is moving forward to address the EPA disapproved items. DNR is working on finalizing the language to get the rules published in the Missouri Register.

A question was asked about what DNR was doing to address the changes to the criteria that were denied by EPA. Becky said DNR is proceeding with the rulemaking as was discussed with the Clean Water Commission in July.

Agency Activities

John Sadler mentioned that there would be a national meeting of the 12 watersheds in Arizona on Monday, October 27.

Bob Ball said there will be a Watershed Workshop at Capital Plaza, Jefferson City, March 24-25. Info will be out soon. The workshop will cover tools and techniques of watershed management planning. There will be a lot of local success stories. If there is enough interest, NRCS is going to try to hold a 3-day course on area-wide conservation planning. They are going to try using the University's Watershed Science & Stewardship Center. Let Bob know if you are interested. It will probably be scheduled for early 2004.

Bob Broz said the International Erosion Control Association's Spring meeting will be held in the mid-Missouri area on March 25-26, 2004. The last round of assessing watershed information through computer-based materials class is being held October 27. This is part of a 319 project. It is being downlinked at 14 locations across the state. More information and registration is available online at the MoWIN web site or call Tabitha at (573) 882-0085.

Sharon Clifford mentioned that based on conversations with staff at EPA, she believes final discussions regarding the 303(d) list should be happening soon. The Jacks Fork River and 4 segments of the Tebo Creeks TMDLs will be on Public Notice starting October 24. The Fellows/McDaniel TMDL should be out on Public Notice by November 7. The Elk River TMDL should be out by November 21. Sharon said they are making a lot of progress. Public comments are welcome. The Kelley Branch/Rocky Fork TMDL and Shoal Creek TMDL are being submitted to EPA for approval. Interactions with Oklahoma and Arkansas regarding the Elk River continue to be really positive.

Jeannette Schafer said EPA is continuing to work on the Sedalia project, which is working with drinking water staff and source water staff to do source water protection and implementation. The Spring Fork Lake TMDL is scheduled for completion next year. The plan is to meld the two processes. Tracey Winters is the DNR lead.

Leo Alderman, Director of Water, Wetlands & Pesticides Division, will be giving testimony on Friday at a legislative hearing (Interim Committee on Water Quality). He will speak on EPA's perspective on water quality in Missouri.

Sharon mentioned that the public meetings that are being held on TMDLs are going very well. Bob Broz mentioned that on March 17-18, there will be a 4-state Community-Based Watershed Management Symposium that deals directly with the people process showing the best way to make local groups work with success.

Cindy DiStefano handed out a flyer for the 64th Midwest Fish & Wildlife Conference that will be held on December 7-10, in Kansas City at Westin Crown Center. There is no cost for this workshop. There will be a riparian symposium that has some really good papers. Cindy mentioned some of the workshop topics. Check out the website shown on the flyer for more information. Pre-registration ends October 31.

Trent Stober said the Missouri Water Environment Association is holding a technical seminar on November 6. This is primarily a wastewater group. The Water Environment Federation is having the TMDL Sciences Conference on November 16-19 in Chicago.

Dorris Bender mentioned that MARC is having an Urban Watershed Restoration Workshop on November 13 in Shawnee, Kansas.

Charlie DuCharme mentioned that the White River Fisheries Partnership Annual Conference is being held today and tomorrow (October 21-22) in Ridgedale, Missouri. This is Arkansas and Missouri fishery agencies working together to improve fishery habitat. On Thursday, Oct. 23, there will be a White River DO Committee meeting.

Anne Peery said it was exciting to see how the Jacks Fork and Shoal Creek watershed groups that have organized from the TMDL public meetings have all come together.

Becky Shannon mentioned that Pat Costello has changed positions and Royan Teter is now working with Missouri's water quality standards issues. There will be a Clean Water Commission meeting at the Baymont Inn & Suites at Lake of the Ozarks at 9:00 on October 22. Becky also mentioned some workshops coming up in January. One is a Missouri Nutrient Management Planning Workshop, funded by 319 and led by John Lory, that will be held at the NRCS office in Columbia. We will send more information when it is available.

A legislative committee has been established in the House titled the Interim Committee on Water Quality. This is a group of legislatures who are going around the state holding meetings to learn more about water quality issues. A list of legislators who are on the committee is available on the state's web site.

Bob Ball mentioned that he will attend the Gulf of Mexico Hypoxia Task Force meeting on November 19 in St. Louis at the Renaissance Hotel. Joe Engeln serves on the coordinating committee that supports the task force. Steve Mahfood is expected to attend.

An NRCS water quality project office has opened in Ozark, Missouri, focusing on the White River Basin. Steve Heffner is the project manager. They are still working on staffing that office. Let Steve know if you have any needs for their assistance in that area.

Becky requested that if anyone has topics that would be of interest to the group to please let us know.

Meetings & Conferences

November	6	Missouri Water Environment Association, technical seminar
	13	MARC's Urban Watershed Restoration Workshop in Shawnee, Kansas
	16-19	Water Environment Federation's TMDL Sciences Conference in Chicago
	19	Gulf of Mexico Hypoxia Task Force meeting, St. Louis, Renaissance Hotel
December	7-10	64 th Midwest Fish & Wildlife Conference in Kansas City at Westin Crown Center
January		Missouri Nutrient Management Planning Workshop, NRCS, Columbia
Early 2004		NRCS planning a 3-day course on area-wide conservation planning, depending on interest
March	17-18	4-state Community-Based Watershed Management Symposium
	24-25	Watershed Workshop at Capital Plaza, Jefferson City
	25-26	International Erosion Control Association's spring meeting, mid-Missouri area